

WASHINGTON STATE FERRIES

M. V. YAKIMA DOCKSIDE

CONTRACT NO. 00-6900

BID FORM CERTIFICATES

The following Certificates are attached to the Bid Form. Please review carefully, as some Certificates require fill-in and/or signature.

State Certificates:

1. Subcontractor List
2. Facilities Provider List
3. Non-Collusion Declaration
4. Status of Contracts On-Hand Report

Federal Aid Certificates (FTA):

5. Buy America Certificate
6. Certification Regarding Lobbying
7. Certificate of Contractor
Regarding Debarment, Suspension
and Other Responsibility Matters
8. Certification of Sub-Contractor
Regarding Debarment, Suspension
and Other Responsibility Matters



Washington State Ferries

Subcontractor List

Prepared in compliance with RCW 39.30.060 as amended

TO BE SUBMITTED WITH THE BID PROPOSAL

Project Name _____

Failure to list subcontractors who are proposed to perform the work of heating, ventilation and air conditioning, plumbing, as described in Chapter 18.106 RCW, and electrical as described in Chapter 19.28 RCW, will result in your bid being non-responsive and therefore void.

Subcontractor(s) that are proposed to perform the work of heating, ventilation and air conditioning, plumbing, as described in Chapter 18.106 RCW, and electrical as described in Chapter 19.28 RCW, must be listed below. The work to be performed is to be listed below the subcontractor(s) name.

If no subcontractor is listed below, the bidder acknowledges that it does not intend to use any subcontractor to perform those items of work.

Subcontractor Name	_____
Work to be performed	_____

Subcontractor Name	_____
Work to be performed	_____

Subcontractor Name	_____
Work to be performed	_____

Subcontractor Name	_____
Work to be performed	_____

Subcontractor Name	_____
Work to be performed	_____

WASHINGTON STATE FERRIES

FACILITIES PROVIDER LIST

The Bidder hereby lists those firms providing facilities to the Bidder for performance of the Contract Work. Enclosed is a copy of a signed, written agreement between the Bidder and the facilities provider(s), confirming that the facilities will be available to meet the Contract Work schedules proposed by the Bidder. This requirement includes, but is not limited to, dockside and drydocking facilities (if applicable) and construction sites.

[illegible]

NON-COLLUSION DECLARATION

I, by signing this bid or proposal, hereby declare, under penalty of perjury under the laws of the United States that the following statements are true and correct:

1. That the undersigned person(s), firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this bid is submitted.
2. **That by signing the signature page of this bid or proposal, I am deemed to have signed and have agreed to the provisions of this declaration.**

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (USDOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m., eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

This "hotline" is part of USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the USDOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

STATUS OF CONTRACTS ON-HAND REPORT

The Bidder hereby certifies by signing the signature page of this bid that the total value of uncompleted contracts, plus the value of this bid, does not exceed the Bidder's current classification capacity.

FEDERAL TRANSIT ADMINISTRATION

BUY AMERICA PROVISION

This Contract is subject to the Federal Transportation Administration's (FTA) Buy America requirements. The following Buy America Certificate must be completed and submitted with the proposal. A proposal which does not include the Certificate may be considered non-responsive. A waiver from the Buy America requirement may be sought by the State if grounds for the waiver exist.

The bidder/proposer agrees to comply with 49 U.S.C. 5323(j) and 49 CFR Part 66481, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 CFR 66481.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, microcomputer equipment, software, and small purchases (currently less than \$100,000) made with capital, operating, or planning funds. Separate requirements for rolling stock are set out at 5323(j)(2)(C) and 49 CFR 66481.11. Rolling stock not subject to a general waiver must be manufactured in the United States and have a 60 percent domestic content. A bidder/proposer must submit to WSF the appropriate Buy America certification (below) with all bids/proposals on FTA-funded contracts, except those subject to a general waiver. Bids/Proposals that are not accompanied by a completed Buy America certification will be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

FEDERAL TRANSIT ADMINISTRATION

BUY AMERICA CERTIFICATE

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1). The bidder/proposer hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.

Company: _____

Signature: _____

Title: _____

Date: _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1). The bidder/proposer hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1), but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Company: _____

Signature: _____

Title: _____

Date: _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j)(2)(C). The bidder/proposer hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and the regulations at 49 CFR Part 661.

Company : _____ **N/A** _____

Signature: _____

Title: _____

Date: _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C). The bidder/proposer hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)(C), but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Company : _____ **N/A** _____

Signature: _____

Title: _____

Date: _____

FEDERAL TRANSIT ADMINISTRATION

CERTIFICATION REGARDING LOBBYING

(Third Party Contracts Over \$100,000).

The Undersigned Contractor hereby certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government Wide Guidance For New Restrictions on Lobbying", 61 Fed. Reg. 1413 (1/19/96)].
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontractors, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subcontractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C., Section 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. Section 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure (if any). In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure (if any).

Contractor: _____

By: _____
(Signature)

(Print Name)

Title: _____

Date: _____

FEDERAL TRANSIT ADMINISTRATION

GOVERNMENT-WIDE DEBARMENT AND SUSPENSION

A. CERTIFICATION OF CONTRACTOR REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

(Third Party Contracts Over \$100,000).

1. **By signing and submitting this bid/proposal, the prospective Contractor is providing the signed certification set out below.**
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, WSF may pursue available remedies, including suspension and/or debarment.
3. The prospective Contractor shall provide immediate written notice to WSF if at any time the prospective Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact WSF for assistance in obtaining a copy of those regulations.
5. The prospective Contractor agrees by submitting this bid/proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by WSF.
6. The prospective Contractor further agrees by submitting this bid/proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the No procurement List issued by U.S. General Service Administration.
8. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, WSF may pursue available remedies including suspension and/or debarment.

**B. CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION
– LOWER TIER COVERED TRANSACTION**

(Third Party Contracts Over \$100,000).

1. The prospective Contractor hereby certifies, by submission of this bid or proposal, that neither it nor its “principals” (as defined in 49 CFR. \$29.105 (p)) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. When the prospective Contractor is unable to certify to any of the statements in this certification, such prospective Contractor shall attach an explanation to this proposal.

The prospective Contractor certifies or affirms the truthfulness and accuracy of each statement of its certifications and disclosure (if any). In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to these certifications and disclosure (if any).

Contractor: _____

By: _____
(Signature)

(Print Name)

Title: _____

Date: _____

FEDERAL TRANSIT ADMINISTRATION

GOVERNMENT-WIDE DEBARMENT AND SUSPENSION

A. CERTIFICATION OF SUBCONTRACTOR REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

(Third Party Contracts Over \$100,000).

1. **By signing and submitting this bid/proposal, the prospective lower tier participant is providing the signed certification set out below.**
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, WSF may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to WSF if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact WSF for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this bid/proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by WSF.
6. The prospective lower tier participant further agrees by submitting this bid/proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List issued by U.S. General Service Administration.
8. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, WSF may pursue available remedies including suspension and/or debarment.

**B CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION
– LOWER TIER COVERED TRANSACTION**

(Third Party Contracts Over \$100,000).

1. The prospective lower tier participant hereby certifies, by submission of this bid or proposal, that neither it nor its “principals” (as defined in 49 CFR. \$29.105 (p) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. When the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective lower tier participant shall attach an explanation to this proposal.

The subcontractor certifies or affirms the truthfulness and accuracy of each statement of its certifications and disclosure (if any). In addition, the subcontractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to these certifications and disclosure (if any).

Subcontractor: _____ **SAMPLE** _____

By: _____
(Signature)

(Print Name)

Title: _____

Date: _____

Note: A completed form is to be submitted by the Contractor to WSF upon execution of each and every subcontract, and before such subcontractor commences work on the project. Original forms are available from the State's project engineer or administrator.